GOVERNMENT OF INDIA
EXTERNAL AFFAIRS
LOK SABHA

UNSTARRED QUESTION NO:3108
ANSWERED ON:16.03.2016
Lawsuit by Marshall Islands
Vellaigounder Shri Elumalai

Will the Minister of EXTERNAL AFFAIRS be pleased to state:

Will the Minister of EXTERNAL AFFAIRS be pleased to state:

(a) the present status of the lawsuit filed by Marshall Islands at the International Court of Justice against several countries including India; and

(b) the reaction of the Government thereto ?

Answer

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS
[GEN. (DR) V. K. SINGH (RETD)]

(a) On 24 April 2014, the Republic of the Marshall Islands (RMI) instituted proceedings at the International Court of Justice (ICJ) against all nuclear weapon states, including India, citing inter-alia breach of obligations under customary international law and Article VI of the Nuclear Non Proliferation Treaty (NPT) for failure to pursue in good faith, and bring to a conclusion, negotiations leading to nuclear disarmament in all its aspects under strict and effective international control. In view of objections raised by India on the jurisdiction of the ICJ in the matter, the Court by its Order dated 16 June 2014 decided that it is necessary to first of all resolve the question of the Court's jurisdiction and that accordingly this question should be separately determined before any proceedings on the merits. Subsequently, RMI submitted its memorandum and India submitted its Counter within the time lines specified by the Court. Government of India is engaged in the Oral proceedings on the issue of jurisdiction that commenced at The Hague, the seat of the ICJ, on 7 March 2016.

(b) India's objection to the jurisdiction of the Court is based broadly on the argument that there is no dispute between the Parties given India's consistent stand on nuclear disarmament that is similar to the relief being sought by RMI. India is committed to global, non-discriminatory and verifiable nuclear disarmament and supports the commencement of multilateral negotiations on nuclear disarmament in the Conference on Disarmament in Geneva. India has argued that the international legislative function demanded of the Court by RMI goes well beyond its jurisdiction and is strictly the preserve of the inter-governmental forums of the UN. However, if the Court were to exercise jurisdiction in the matter, the presence of all the States possessing nuclear weapons before the Court is necessary otherwise any Judgment rendered in these conditions would be devoid of any concrete practical effect since judgment of the court is binding only on the concerned Parties to the dispute; and complete nuclear disarmament can be achieved only if all the States agree, especially nuclear weapon states. India has also relied on several reservations contained in India's Optional Declaration under Article 36 (2) of the ICJ Statute that bar the Court's jurisdiction.